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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,648	09/28/2001	Keiji Yoshimura	862.C2397	1952

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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CABRERA, ZOILA E

ART UNIT	PAPER NUMBER
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2125

MAIL DATE	DELIVERY MODE
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06/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/964,648

Applicant(s)

YOSHIMURA, KEIJI

Examiner

Zoila E. Cabrera

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 37-41 and 46-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-41 and 46-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Final Rejection*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 42-45 have been cancelled.

Claims 37-41 are remained for consideration.

New claims 46-51 have been added.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 37-40, and 46-51 are rejected under 35 U.S.C. 102(e) as being anticipated by **Nishi (US 6,462,807)**.

Regarding claim 37-40, **Nishi** discloses:

37. An exposure apparatus for performing exposure of a substrate to light via a pattern of a reticle (Col. 1, lines 34-40; Col. 1, lines 28-31; Col. 5, lines 34-36), said apparatus comprising: a reticle stage configured to hold the reticle and to move (Col. 2, lines 59-62); a substrate stage configured to hold the substrate and to move (Fig. 3, element 48); an interface configured to input information of a condition of the exposure (Col. 5, lines

36-39), and a controller configured to select, as an exposure method to be performed, an exposure method in which the exposure is performed while said reticle stage and said substrate stage are accelerated, based on input information (Col. 2, lines 35-40, i.e., the scan velocities of the reticle stage and of the wafer stage can be set much higher than by the S & S exposure method; Col. 2, lines 10-14; Col. 8, lines 64-67; Col. 9, lines 59-67; Col. 5, lines 14-60, i.e., a selection is made from either step and repeat mode or the step and scan mode; Col. 16, lines 22-31).

38. (New) An apparatus according to claim 37, wherein the condition of the exposure includes at least one of a shot size, a shot layout of the exposure to be performed, an alignment measurement value, a shot layout of the exposure having been performed, a shot position, and an accuracy required with respect to moving said reticle stage and said substrate stage (Col. 16, lines 22-26, i.e., a layout of shot regions on the wafer or a shot layout is inputted by an operator as conditions);

39. (New) An apparatus according to claim 38, wherein the condition of the exposure includes a synchronization accuracy with respect to moving said reticle stage and said substrate stage (Col. 3, lines 56-60; Col. 17, lines 46-49).

As for claim 40, the same citations applied to claim 37 above apply as well for this claim. Nishi further discloses developing the exposed substrate, and processing the developed substrate to manufacture the device (Fig. 3; Col. 5, lines 36-40).

As for claim 46, the same citations applied to claim 37 above apply as well for this claim. Nishi discloses that the reticle stage 30 enters a prescan (acceleration) or shifting from the main scan to an overrun (deceleration) (Col. 12, lines 4-13, please note that the reticle stage is decelerated and thereby the wafer stage is also decelerated because they are synchronized, see Col. 18, lines 35--42).

As to claims 47-48 and 50-51, the same citations applied to claims 37-39 and 46 above apply as well for these claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 41 and 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Nishi (US 6,462,807)**.

Regarding claims 41 and 49, Nishi discloses the limitations of claim 37 but fails to disclose that said controller is configured to perform the determination based on a user's indication if a manual specification mode is specified as a determination mode of said controller.

However, Nishi discloses that the operator supplies information or conditions such as a kind of the reticle to be exposed next, the photosensitivity of a photoresist on

the wafer, a layout of shot regions on the wafer, etc. and thereafter an exposure mode to be used is determined (Col. 16, lines 22-30). Therefore it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to specify a manual mode as one of the conditions and thereafter the exposure mode would be determined based on such condition because it would provide a user friendly system that would allow the operator to choose the corresponding exposure mode such as manual mode.

#### ***Response to Arguments***

4. Applicant's arguments filed March 19, 2007 have been fully considered but they are not persuasive. Applicant argues that Nishi does not disclose or suggest anything regarding selecting, as an exposure method to be performed, an exposure method in which the exposure is performed while a reticle stage and a substrate stage are accelerated (or decelerated) based on input information. Examiner disagrees because Nishi discloses such limitations as presented above in paragraph 3.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (571) 272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. Additionally, the fax phones for Art Unit 2125 are (571) 273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera  
Primary Examiner  
6/11/07

  
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